

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**TIMOTHY KING, MARIAN ELLEN
SHERIDAN, JOHN EARL
HAGGARD, CHARLES JAMES
RITCHARD, JAMES DAVID
HOOPER and DAREN WADE
RUBINGH,**

CASE NO. 20-cv-13134

Plaintiffs.

v.

**GRETCHEN WHITMER, in her
official capacity as Governor of the
State of Michigan,
JOCELYN BENSON, in her official
capacity as Michigan Secretary of
State and the Michigan BOARD OF
STATE CANVASSERS.**

Defendants.

**PLAINTIFFS' MOTION TO FILE
AFFIDAVITS UNDER SEAL AND FOR IN
CAMERA REVIEW**

Come now the Plaintiffs, and pursuant to Local Rules 5.3 and 65.1, respectfully request leave of Court to file under seal certain affidavits and declarations.

1.

This case brings a challenge to the November 3, 2020 Presidential election. Plaintiffs' evidence in the original November 25, 2020 complaint filed in the above-captioned proceeding ("Complaint"), and the November 29, 2020 amended complaint filed concurrently ("Amended Complaint") with this motion, shows ballot fraud and illegality, i.e. fraud or illegality in the ballots that were counted in the election, and counting fraud and illegality in the Dominion Voting Systems machines and software.

2.

Three of Plaintiffs' witnesses are in reasonable fear of harassment and threats to their physical safety and their livelihoods in retaliation for their coming forward with their testimony. As election controversies have unfolded around the country, there have been many incidents of harassment and threats to destroy the careers or physically harm witnesses who come forward with evidence of election fraud and illegality. There was an organized

campaign by The Lincoln Project to destroy the business relationships of major law firms with their clients for having the temerity to represent the President of the United States in these controversies. One Pennsylvania law firm withdrew from representing the President only days after filing a lawsuit on his behalf because of such harassment, abuse, threats, pressure and economic coercion. Other lawyers for the President have been physically threatened and verbally abused and forced to obtain personal security to protect them. Therefore, the apprehensions of Plaintiffs' witnesses are serious and well-founded in multiple respects.

3.

Moreover, the testimony of these witnesses is consequential to the matter before this court, namely a legal challenge to the outcome of the Presidential election in Michigan. This increases the likelihood of the feared harassments, threats and coercion should their identities become public knowledge. One of the witnesses, who is testifying about his analysis of hostile foreign power cyber penetration of Dominion Voting Systems servers and networks, is already subject to serious threats of harm because of the highly sensitive nature of his regular professional work and is in particular need of protection.

4.

These witnesses have shown great courage in coming forward at a critical moment to deliver the truth to the Court about matters of great importance to our country. They should be protected from the readily foreseeable harms that would accrue to them if their identities were made public. Thus, good cause exists for the relief requested.

5.

Due to the concerns described above, these witnesses' affidavits and declarations have been filed with the Complaint and the Amended Complaint with their identifying information redacted.

6.

The privacy and personal and financial security interests of the witnesses are at grave risk of harm if their identities were disclosed. These interests vastly outweigh the interests of the public in having access to such information, and no less drastic alternatives than sealing their unredacted affidavits to conceal their identities will provide adequate protection to the affiants. The common law right of public access must yield to the affiants' interest in keeping their identities undisclosed beyond the parties and the Court in these proceedings in order to protect them from readily foreseeable threats. Moreover, the redacted affidavits conceal only their identifying information – all of their other testimony is public and unredacted.

7.

For the Court's ease of reference, the affidavits and declarations as to which this protection is sought are also attached to this motion in redacted form.

8.

Wherefore, the Plaintiffs respectfully request leave of Court to submit the unredacted affidavits to the Court under seal for in camera review, and for leave of court that in the public filings their names not be revealed.

Respectfully submitted, this 29th day of November, 2020.

/s Sidney Powell*
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*Application for admission pro hac vice
Forthcoming

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CERTIFICATE OF SERVICE

This is to certify that I have on this day e-filed the foregoing Plaintiffs' Motion To File Affidavits Under Seal and For In Camera Review with the Clerk of Court using the CM/ECF system, and that I have delivered the filing to the Defendants by email and FedEx at the following addresses:

This 25th day of November, 2020.

Governor Gretchen Whitmer
P.O. Box 30013
Lansing, Michigan 48909

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Lansing, Michigan 48918

Board of State Canvassers
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[LOCAL COUNSEL FOR PLAINTIFFS SIGNATURE BLOCK]